

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

RMAIL LIMITED, <i>Plaintiff,</i>	§ § §	
V.	§	CAUSE NO. 2:10-CV-258-JRG
AMAZON.COM, INC., et al., <i>Defendants.</i>	§ § § §	CONSOLIDATED
RMAIL LIMITED, et al., <i>Plaintiffs,</i>	§ § §	
V.	§	CAUSE NO. 2:11-CV-299-JRG
DOCUSIGN, INC. <i>Defendant.</i>	§ § §	MEMBER
RPOST HOLDINGS, INC., et al., <i>Plaintiffs,</i>	§ § §	
V.	§	CAUSE NO. 2:11-CV-325-JRG
ADOBE SYSTEMS INC., et al., <i>Defendants.</i>	§ § §	MEMBER

INITIAL PRETRIAL ORDER

The Court held pretrial hearings on July 29, 2013 and heard argument on Docusign's Motion to Limit Number of Asserted Claims (Dkt. No. 524), Docusign's Motion to Compel Reimbursement of Experts Under FRCP 26(b)(4)(E) (Dkt. No. 529), Plaintiffs' Motion to Compel Return of Confidential Mediation Document (Dkt. No. 533), Defendants' Motion for Summary Judgment on Intervening Rights (Dkt. No. 359), Defendants' Motion for Summary Judgment of

Invalidity Under 35 USC § 101 (Dkt. No. 372), Adobe and Echosign's (collectively, "Adobe") Motion to Dismiss for Lack of Standing (Dkt. No. 361), Plaintiff's Motion to Amend Infringement Contentions (Dkt. No. 419), Adobe and Echosign's Motion for Summary Judgment of No Indirect Infringement (Dkt. No. 376) and Docusign's Motion for Summary Judgment of No Indirect Infringement (Dkt. No. 386), and Docusign's Motion for Summary Judgment on Willfulness (Dkt. No. 389). The Court announced its rulings and reasoning into the record. Such rulings are memorialized herein. Any clarification and/or modification to such motions, as stated by the Court during such hearing, fully applies to the rulings as stated below, and such rulings do not exclude any clarification and/or modification as stated in the record.

The Court hereby adopts the parties' agreement to limit the total number of asserted claims to twelve (12). Accordingly, Docusign's Motion to Limit Number of Asserted Claims (Dkt. No. 524) is **DENIED-AS-MOOT**, pursuant to the Court's reasoning as fully set forth in the record.

Docusign's Motion to Compel Reimbursement of Experts Under FRCP 26(b)(4)(E) (Dkt. No. 529) is **CARRIED**.

Plaintiffs' Motion to Compel Return of Confidential Mediation Document (Dkt. No. 533) is **GRANTED**, pursuant to the Court's reasoning as fully set forth in the record.

Defendants' Motion for Summary Judgment on Intervening Rights (Dkt. No. 359) is **DENIED**, pursuant to the Court's reasoning as fully set forth in the record.

Defendants' Motion for Summary Judgment of Invalidity Under 35 USC § 101 (Dkt. No. 372) is **DENIED**, pursuant to the Court's reasoning as fully set forth in the record.

Adobe and Echosign's Motion to Dismiss for Lack of Standing (Dkt. No. 361) is **DENIED**, pursuant to the Court's reasoning as fully set forth in the record.


Plaintiff's Motion to Amend Infringement Contentions (Dkt. No. 419), is **GRANTED**, pursuant to the Court's reasoning as fully set forth in the record.

Adobe and Echosign's Motion for Summary Judgment of No Indirect Infringement (Dkt. No. 376) and Docusign's Motion for Summary Judgment of No Indirect Infringement (Dkt. No. 386) are **DENIED-AS-MOOT**. The Court previously entered Plaintiff's Dismissal of Issues indicating that it will not present evidence at trial regarding allegations of indirect infringement against Docusign, Adobe, and Echosign, and dismissing such allegations with prejudice as to this case. (*See* Dkt. No. 544.)

Docusign's Motion for Summary Judgment on Willfulness (Dkt. No. 389) is **CARRIED**.

This order memorializes the rulings announced during the pretrial hearings held on July 29, 2013. However, this order does not limit the rulings as announced and as may be more fully explained by the Court's pronouncements into the record as a part of such hearing.

So ORDERED and SIGNED this 1st day of August, 2013.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE